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OGC HAS REVIEWED.

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Personnel Officer

22 September 1949

Office of General Counsel

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Return of [REDACTED] Employees and their Families to
the United States for the Purpose of Taking Annual Leave.

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1. The basic memorandum returned herewith from the Acting Assistant Director for Operations, dated 15 September 1949, requests a decision as to whether 2 employees of the [REDACTED] could be returned with their families to the United States after completion of their contract, for the purpose of taking annual leave at Government expense.

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2. One employee, [REDACTED], was a new appointee to [REDACTED], and the other, [REDACTED], a transferee.

3. P.L. 110 is inapplicable to these cases since it is restricted to permanent duty stations outside the continental United States, its territories and possessions, and the question arises from [REDACTED]

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4. In the case of [REDACTED], a new appointee, P.L. 600 is applicable. Section 7 provides for the transportation of employees with their families "outside continental United States" and return at the expiration of their tour of duty. This has been extended by interpretation of the Comptroller General (28 Comp. Gen. 168), to permit employees to travel with their families to the United States for purposes of leave, and return to their old station without requiring a new appointment or a break in service, provided the employees agree to renew their contract prior to leaving their station. Thus, a new appointee may be granted leave and return to his previous foreign station or be changed to another.

5. In the case of a transferee, however, the situation is somewhat different and there is no present clear authority authorizing an employee to return with his family to the United States for leave purposes at the expense of the Government. Section 1 of P.L. 600 would, of course, permit transfer of an old employee accompanied by his dependants, but the extended concept of Section 7 would not be available.

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cc: Subject ✓
Chrono

Legal Decisions

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